G R. S IX-6]

Previous references

Mil 47- 68 (1) "Mob" 1920-21

(Mil)

Later references

File No. 61-20

Serial Nos 23

GENERAL AND REVENUE SECRETARIAT.

Serial Nos • 23

Part B for July 1921

SUBJECT

R A. Subject: No 165 of 20
Re Right of Government
Servants to vote at [illegible]

ARKwan
25 ft

WD 1800—GPB—10,000—22-7-21

G.[illegible] III—6]

Note the Note

[This [illegible] only for [illegible] and [illegible] for permanent record.]

1

Key

D N° 3980
18-11-20

EFFICIENCY AUDIT BRANCH
Extract from the Abstract of Newspaper Intelligence
Dated 12th November 1920

favor of taking further action, in pursuance of O M No 1242 S/E A G 411 dated 15th January 1920

Subject of article	Name of newspaper, date and page	Remarks Rel 61-20 —23
Elections	Vok Patrika 10-11-20	Refers to the reasons for precluding ex-officio Municipal Commissioners from voting at elections and suggests that they may be made expert advisers to the Municipalities without the power of voting at all on any question - which would be a further advance in democracy
Second Memoeria order -15-11-20 Rev. Secy This point was raised at the recent Dasara Session of the [illegible]		

Submitted to the Revenue Secretary for perusal

Are there any [illegible] of this subject at the A.A. for 1921-22?

3

Put up
D
18/11
[illegible]

Hm
16/11/20

The extract from the note of discussion of the subject at the last A.A. meeting is sent

Key
25.11.20

Rev Secy

Hm
22-4

Rel
25/11

The extract goes

Should routine notes be written on small slips the notes must be copied or slips pasted on this form

G.R.S. III—3]

3980

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

further than the discussion at the R A Let me call a resolution is sought for only when the election of an office bearer is in Topics which the newspaper or Local would make of this meeting the Executive members the Executive body with the duty of forwarding advice when called. The D R. A subject will be taken up for consideration in due course. The Pal situation does not seem to come within the field of practical politics to any extent is necessary. Local Executive members

N B — Should routine notes be written on official slips, the notes must be copied, or slips pasted on this form

Hon members

3080 2
1 12 20

Seen
The D R A subject
may be worked out

3980

Routine Notes.

[Notes merely formal, requisitions, etc., not intended for permanent record.]

7 Already addressed to the L.G. - Certain forms, together, attached

15/12/21

15/12

8 Now that the L.S.S. Lecturer has been established with effect from 1st January 1922 that Mate may perhaps be retransferred to the Bangalore Cadastral Survey under Rule

8/12/21

† Please see the order

8/12/21

Submitted for orders.

8/1

N.B.—Should routine notes be written on small slips, the notes must be copied or slips pasted on this form

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

A Subject Number
to the one discussed
at the P a Letters
of Octr 1920 was
Engineer appt for discussion
in Octr 1919 & quest
was on the representations
that Govt modified
the rules of letter
of all concessions in
Jubaland Minor rules
in notes dated 10 February
1920. In spite of this
the subject was again
represented in October 1920
and the result of the
discussion is found in
the accompanying typed note

N.B. Should routine notes be written on small slips, the notes must be copied or slips pasted on this form.

200 Right of Government servants to vote at elections

Mr Rasool Khan. Though the member selected by the non-officials by a large majority becomes very popular, yet his election will fail if the votes of the officials too are taken into consideration There should therefore be a rule that Government servants should not vote at any of the elections

Second Member Generally Govt servants are ex-officio members of the Municipality

Mr. G Paramasivaiya Govt officers should be prohibited from voting during elections Some restrictions have been placed on Govt servants They cannot trade etc When a Govt servant votes for one, it is the custom that the others follow suit

Second Member There are two points in this, viz (1) in Municipal elections Govt. servants should not vote We cannot prevent it because he exercises his vote as a citizen, (2) ex-officio Government servants should not vote or stand for election You want them not to be allowed to vote in the eletions of President and Vice President Govt will consider this aspect Suppose there are 20 members on the municipality of which five are official members and 15 non-officials and that the official members do not vote at the elections of President and Vice President If non-official vote for one man he becomes the President if there are party feelings in the municipality the administration becomes impossible All the same, Govt will consider the question

G R S. III 2

General and Revenue Secretariat

File No. 3480 of 19

6

Serial No

As regards the question of prosecuting the ex officio members from voting, it may be stated that the no. of ex officio members in a municipality with a strength of 12 to 20 members is not more than 4 or 5 and is thus only in a minority. These ex officio members are appointed with the object of representing the views & safeguarding the interests of Govt. They are therefore disinterested in the affairs of the locality as compared with the other members elected by the rate payers and all their work lies in trying

NOTE—Contn sheet

Serial No

to promote public good by preventing the formation of Cabals. Moreover the election of a President or Vice President once in every three years and it can hardly be said with the frequent transfers of these officers they will now be in a position to understand the local conditions so soon as to favour one party or another

Once the names of ex officio members are notified they have as much right as others to vote at meetings of Municipalities etc Nowhere in the Regulation or the rule any such restriction on

NOTE—Contn sheet

Serial No.

individual liberty is contemplated and it is [redacted] clear whether [redacted] is may impose any disability by an executive order without an enabling provision in the legislation. These executive members are not having anything by the local body and are not its servants as for example a Chief Officer or a Health Officer you cite me class prohibited from voting as he is a servant of that body. With reference to the suggestion of the Vakkalgara Patrika it is submitted that there is provision in the Regulations whenever a rule is in need of explan

Rules 14(a) of the Regs

Note—Contn sheet.

Serial No.

advice if may Coopt such members as call for their advice when necessary but they have no power of Voting

This express provision goes therefore to clear the point that the ex officio members are not mere advisors without the power of voting

NB Reference has been made in this connection also to the Municipal Regulations & Rules thereunder in Bombay & Madras But so far no such provision is forthcoming in any one of them. In the District Municipalities Act of 1920, it is seen that the no. of elected Councillors is increased to three fourths and official interference is reduced to a minimum But there is no restriction

NOTE—Contn sheet.

Serial No

on the voting power of a Councillor
My ~~It~~ will not be out of place
~~that~~ if mention is made
of the fact that nominated
members also have an a
par with those appointed
ex officio whereas the latter
are liable to be changed, the
former are there throughout
the life of the Council
Since they are nominated
by Govt and not elected by
popular will, greater
restrictions will have perhaps
to be placed on their voting
power etc Since they ~~may~~ are
under the name of Govt with
their ~~nine~~ intimate knowledge of local conditions
~~may~~ likely, on the analogy of
the representation, of

NOTE—Contn sheet.

Serial No

greate trees for good or for evil.

In view of these facts, it is for Government to consider whether the representation may be taken into consideration. It seems however necessary to pass some definite orders as it is likely to be repeated in future.

Subd

Spare 11/2/21 Ho

Ans this is hence the point- put now - Please put see the Members order Has the D R A Subject been finally disposed of If so What are the latest rules issued on the point

Ans 24/2

The R A Subject has not been finally disposed of with the help of the note of discussion taken at the meeting & the reply given thereat by Govt, the Subject has to be worked up in the Adn Subject branch and orders passed thereon

NOTE—Contn. sheet.

G. R. S. III-2,

General and Revenue Secretariat | ml File No. 61 of 1920

Serial No.

and a copy of the order to pass will be sent to R a return for ~~record and sign~~ and record

As directed by the member, office note have been put up on the subject for orders

There are no Standing rules (lately) issued on the point. It may however be mentioned here that while going through the records of the July Behar Session on the administration of ~~the~~ Local Bodies there, it was noticed in many cases that the Local Govt have directed the official members to abstain from voting during elections of Chairman etc

to submit refer to para 16 supra

Jha 25/8/21 There is a file relating to the question of this ~~Govt~~ Ex Officio voting & Standing for Elections Govt have issued a ruling discouraging the practice while not actually prohibiting it this should be put up

Numbers

Utty 8/3 21

NOTE—Contn. sheet.

R. S. III-2,

General and Revenue Secretariat | File No. 61 of 1920 | 13

Serial No

4-H 85 36
17-H. 46 69 66
89-20 NS 102

Subd The marginally noted files bearing on the questn are put up

Jag 11/11/47

V/S orders are req'd on the DRA Subject No 209- Re the points noted in the Members reply, -20

11/11 (a) In municipal elections where the franchise was conferred on the Govt servant purely in his capacity as such servant and not as a citizen that franchise has now been withdrawn by the deletion of clause III of Notfn dated 8 Aug 18 Govt cannot interfere further and discompanychise all Govt servants as a rule.

Flag T
Flag U

(b) Ex officio Govt servants should not vote Govt has considered it unnecessary to impose such a disability Flag H

(c) Ex officio Govt servants should not stand for election

NOTE—Contn. sheet.

G. R. S. III-2.

General and Rev Secretariat

NK File No 61 of 1920

Serial No

The policy of Govt in this matter is noted in the Second Members minute in File 89 of 20 Flag V Govt have declined to commit themselves to a definite course File LS 4 of 19-20 and have not ruled that Ex officio Members are ineligible only, by an Executive order they have ruled that officials should take place as far as possible to non officials

22-3-21

554-157
26-3-21

Second Member

No orders are called for, the minutes have issued to all to that Ex officio members shd obtain seats standing for election as President or V.P. This is all that was wanted Once they are members they get the right to vote however This cannot be taken away from them The appointment of Govt officers as Ex officio Members, is with the object of securing to the help of these bodies, which have the power to do

NOTE—Contn sheet

15

E. B. III-2₁

General and Revenue

File No. 6/ 2480/1920

Serial No.

except also then [illegible]
[illegible] arose.

Secy
25.2.21 hm

As this was a subject of warm discussion at the R[illegible] meeting of Octr 1920 and is of general importance, the file may perhaps be submitted to the Dewan for information as to the action taken here subsd

29/3/21

New Secy

Secy
2/4

Dewan
10.4.21 hm

Secy
18.4.21 hm

AN'S OFFICE.
APR 11 1921
6384

Contm. sheet.

D N²8910
1-6-21

5

Right of Government servants to vote at elections

Rasool Khan —Though the member selected by the non-officials as their nominee becomes very popular, yet his election will fail if the votes of the officials too are taken into consideration There should therefore be a rule that Government servants should not vote at any of the elections

Second Member of Council —Generally Government servants are not members of the Municipal Councils

Mr G Paramasivaya.—Government officers should be prohibited from voting during elections Some restrictions have been placed on Government officials They cannot trade, etc. When a Government servant votes for one, it is the custom that the others follow suit.

Mr Abbas Khan —*Ex officio* Municipal Councillors should not vote for the election of President and Vice-President of Municipal Councils

Second Member of Council —There are two points in this, *viz* , (i) in Municipal elections, Government servants should not vote We cannot prevent this, because they exercise their votes as citizens, (ii) *ex-officio* Government servants should not vote or stand for election You want them not to be allowed to vote in the elections of President and Vice-President There are practical difficulties in granting this request All the same, Government will consider the question

Please see the file put up below
the subject has been sufficiently
considered and it has not been
thought fit to issue an order
in the matter Under the circs,
the papers may be closed filed,
the same being intimated to the
R-a section of the Chief Secty

Secy
3/6/21 Rev Secy -

Under Secy -
Where in the
practice in Madras 3/6
- Their places do
Principal vote
in the election

7801/6624

R. S. III-2]

General and Revenue Secretariat. | File No. | of 19

Serial No

29 With reference to para 28 of the note, the attention is invited to para 13 (2)(g) thereof. Reference has already been made in regard to the point to the several M. & L.B. manuals available in the Branch But no light is thrown therein on any one of them

30 A draft D.O. to the Secy M. & L.B. depts Madras is however put up for approval & the orders

Sd/- 11/6/21

Please send the file up here in Darbhanga

Sd/- 19/6/21

31 Attention is respectfully invited to page 1 para 1 of this report post cp It is stated that Officials have been asked to refrain from voting at such elections in Behar & Orissa If further action is considered necessary, the D.O. post cp may perhaps be approved calling for the same

Sd/- 9/6/21

148 6/21

Seconded member

32 Issuing memo to make application

33 Issue letter

NOTE—Contn. sheet.

S. 113-H

General and Revenue Secretariat.

N File No. 61 of 1924

Serial No.

Endorsed 167 dated 9 7

From

The Legislative Member (Mr
Do No 14070-1 dtd 29 8 Supra.
Replies in the negative.

Submitted with refee to para 32 Supra

20/11/24

Secy (Member)-

Do Memo vote for election of
members when the assembly
assembles

20/11

offices are not permitted to vote at the elections of members to the R A. Subd (vide para 9 (2) (a) of the Rules)

Secy (Member)

Norm—Contn. sheet

R S III-21

General and Revenue Secretariat

File No. 61 of 1920

Serial No

1080

[illegible] a meeting of supreme importance [illegible] General & business that the President & his Vice President should convey the Majesty with them the special numbers [illegible] must have a voice also in the selection of the President V.P. This would be very much like the Russian & dissatisfaction has such a necessary keep open may be held

18/7

NOTE—Count sheet

70

[redacted]

[redacted]

L-4 / 20/7/21

Local Self Govt Departme
Fort Saint George,

D.O.No.14070-1 L. & M., Dated, the 18th July 1921.

D 446
L 20/7/21

Dear Sir,

In reply to your letter No.L.167 M1., dated 9th July 1921 addressed to Mr. Richards I am to say that no rule has been issued under the Madras District Municipalities Act, 1920 or the Madras Local Boards Act, 1920 prohibiting ex-officio members of local bodies from voting at elections of presidents or vice-presidents thereto, nor have the Government issued any order containing such prohibition

Yours sincerely,

B Rama Rau

To

.R Ry B Ramaswami Ayyar Avargal,
Secretary to the Government of Coorg,
Revenue Department, Bangalore

V J 19-7-1921

19/7

[redacted]

20

G.R.R. 171—31

Routine Notes:

requisitions, etc., not intended for permanent record.]

No. R 167

General and Revenue Secretariat

Dated Bangalore, 9th July 1921

Dear Sir,

May I. ~~I write to~~ request you to be so good as to inform ~~let~~ me ~~know~~, if there is no objection, whether there is any rule issued under the District Municipalities Act or the Local Boards Act, 1920, or any Government order prohibiting ~~the~~ ex-officio members of ~~the~~ local bodies from voting at ~~the~~ elections of Presidents and Vice Presidents thereto?

Yours sincerely,

Fair draft

9.7.21.

Secretary to Government

Revenue Department

To

F J Richards Esq , I C S ,

Secretary to the Government Madras (Local Self Govt)

Madras

97

~~Replies to be written on small slips,~~
~~to be copied, or slips pasted on~~